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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/683,162

11/27/2001

Andrew Rodney Ferlitsch

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04/16/2008

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EXAMINER

EBRAHIMI DEHKORDY, SAEID

ART UNIT

PAPER NUMBER

2625

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/683,162	<b>Applicant(s)</b> FERLITSCH ET AL.	
	<b>Examiner</b> SAEID EBRAHIMI DEHKORDY	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 6 and 8-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakagiri et al (U.S. patent 7,155,669) in view of Kutty (U.S. patent 6,956,664).

**Regarding claim 1, 12-15** Nakagiri et al disclose: A method for combining a print job separator page and a print job into a single integrated print job (note Fig.9, wherein the cover page is combined with the file to make a integrated print job) said method comprising: receiving an original print job at a print system component (note Fig.13, wherein the printer driver is used to designate the cover type and the data file) analyzing said original print job with said print system

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component to identify print job characteristics to be included on a print job separator page (note Fig.16, column 10 line 54 to column 11, line 40) and creating a single integral print job file comprising a single start job command, data describing said original print job, data describing said print job separator page and a single end of job command (note Fig.16, steps 1109-1112, wherein the single end of job command is given, column 13, line 58 to column 14, line 49).

**Regarding claim 2** Nakagiri et al disclose: The method of claim 1 wherein said print system component is a print processor (note Fig.4, item 3001).

**Regarding claim 3** Nakagiri et al disclose: The method of claim 1 wherein said print system component is a spooler (note Fig.4,5, item 204)

**Regarding claim 4** Nakagiri et al disclose: The method of claim 1 wherein said print system component is a print assistant (note Fig.6 item 304, column 7 lines 25-55).

**Regarding claim 6** Nakagiri et al disclose: The method of claim 1 further comprising sending said single, integral print job to a printer (note Fig.16, column 10 line 54 to column 11, line 40).

**Regarding claim 8** Nakagiri et al disclose: The method of claim 1 wherein said creating comprises adding data for said print job separator page to said original print job (note Fig.9, column, 8, lines 5-20).

**Regarding claim 9** Nakagiri et al disclose: The method of claim 1 wherein said creating comprises creating a new print job file comprising data for said print job separator page and said original print job (note Fig.16, column 10 line 54 to column 11, line 40).

**Regarding claim 10** The method of claim 1 wherein said single, integral print job comprises said original print job preceded by said job separator page that identifies said original print job (note Figs.11&12, column 8, line 21 to column 9, line 29).

**Regarding claim 11** Nakagiri et al disclose: The method of claim 1 wherein said print job separator page comprises a summary of characteristics of said original print job (note Fig.9, column 8, lines 5-18).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagiri et al (U.S. patent 7,155,669) in view of Kutty (U.S. patent 6,956,664)

**Regarding claim 5** Nakagiri et al do not clearly disclose: The method of claim 1 wherein said print system component is located on a print server. On the other hand Kutty discloses: The method of claim 1 wherein said print system component is located on a print server (note column 3, lines 51 to column 4, line 3, and specifically line 61-65). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Nakagiri et al's invention according to the teaching of Kutty, Where Kutty in the same field of endeavor teaches the way print server is used to utilize the system component which would enhance the productivity of the implemented job.

**Regarding claim 7** Kutty disclose: The method of claim 1 further comprising sending said single, integral print job to a print server (note column 3, lines 51 to column 4, line 3).

**CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeid Ebrahimi-dehKordy whose telephone number is 571-272-7462. The examiner can normally be reached on Mon-Fri, 8:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Saeid Ebrahimi-dehKordy/  
Primary Examiner, Art Unit 2625  
April 4, 2008